



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution authorizing the agreement for use of Zupo Field by the Stockton Ports Professional Baseball Club

MEETING DATE: April 17, 2002

PREPARED BY: Parks and Recreation Director

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RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the agreement for use of Zupo Field by the Stockton Ports Professional Baseball Club.

BACKGROUND INFORMATION: The Stockton Ports have requested the use of Zupo field on May 14, 2002, for a baseball game. The game is designated as "Here's Looking at You 2002" and will be free to Lodi Unified School District students. Please see the attached agreement for additional information.

FUNDING: No funding impact on the City.

  
Roger Baltz  
Parks and Recreation Director

Prepared by Michael S. Reese, Recreation Supervisor

RB:MSR:tl

cc: City Attorney

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

04/09/02

**AGREEMENT  
FOR USE OF TONY ZUPO BASEBALL FIELD  
BY STOCKTON PORTS BASEBALL TEAM**

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THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2002, by and between the CITY OF LODI, a municipal corporation ("City"), and the STOCKTON PORTS BASEBALL TEAM.

**RECITALS:**

WHEREAS, City is the owner of the Tony Zupo Baseball Field, located in Lodi, California; and

WHEREAS, the parties hereto are desirous of allowing the Stockton Ports to use said Tony Zupo Baseball Field for one baseball game, and wish to reduce their agreement to writing;

NOW, THEREFORE, FOR VALUE RECEIVED, the parties hereto do hereby agree as follows:

**TERMS AND CONDITIONS:**

**1) PREMISES:**

City grants to the Stockton Ports the right to use said Tony Zupo Baseball Field to conduct a baseball game, sponsored by the Stockton Ports Baseball Club, on May 14, 2002.

**2) CONSIDERATION:**

- A. The rental charge for the use of Tony Zupo Baseball Field by Stockton Ports is hereby waived.
- B. The Stockton Ports shall be solely responsible for selling game admission tickets pursuant to this agreement and shall have the exclusive right to all revenue generated from the sale of said game admission tickets.
- C. The Stockton Ports shall be solely responsible for providing ticket takers, ushers and press box personnel.
- D. All agreement transactions shall take place at the office of the City of Lodi Finance Department, 212 West Pine Street, Lodi.

3) **CONCESSIONS:**

- A. The Boosters of Boys & Girls Sports (BOBS) shall provide concessions for the Stockton Ports baseball game on Tuesday, May 14, 2002. The BOBS will provide food and beverages for staff of the ball club. Redemption cards will be provided. At the conclusion of the game, the BOBS will provide hot dogs, chips and drinks for the players of both teams. BOBS will retain all profits from their concession sales at this event.

5) **SECURITY:**

The Stockton Ports will provide one (1) security guard during the game on May 14, 2002. It is understood that the Stockton Ports will provide a game day coordinator that will act as City's main contact.

6) **FACILITIES:**

- A. City agrees to provide access to the facilities prior to game at a time of the Stockton Ports choosing. City will provide maintenance personnel as required during the games and until closing.
- B. City agrees to maintain the present lighting system and the necessary electricity therefore and to maintain the field in a substantially good order and condition.
- C. It is understood that the Stockton Ports will furnish and pay for any additional lighting that the Stockton Ports may require.
- D. City agrees to provide the existing field lighting and locker room, and the Public Address System for use by the Stockton Ports for the game.
- E. Public parking for the game shall be free of charge.

7) **YOUTH CLINIC:**

The Stockton Ports shall host a "HERE'S LOOKING AT YOU 2002" program at Tony Zupo Baseball Field on May 14, 2002 to be coordinated with City's Police Department, Lodi Unified School District, and Lodi Parks and Recreation Department.

8) **INSURANCE:**

The Stockton Ports is required to carry a policy of Comprehensive General Liability insurance in compliance with all of the provisions of the "Risk Transfer Requirements For Lease or Use of City of Lodi Facilities", attached hereto as Exhibit A and incorporated herein by reference.

The Stockton Ports shall furnish the above-mentioned insurance and meet these requirements on or before two (2) weeks prior to said event (by April 30, 2002) or will be required to purchase City-provided insurance at the Stockton Ports expense.

9) **HOLD HARMLESS:**

The Stockton Ports shall save, keep and hold harmless the City of Lodi, its officers, agents, employees and volunteers from all damages, costs or expenses in law or equity, that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of operations at the baseball games, except those arising out of the exclusive negligence of the City, its officers, agents, employees or volunteers. Such indemnity shall include attorney's fees.

10) **COMPLIANCE WITH LOCAL ORDINANCES:**

The Stockton Ports agrees to meet security and traffic requirements as per local codes/ordinances and to contact and clear with the Lodi Chief of Police and Fire Marshal in writing the presence of said baseball games and any restrictions or requirements made by the Police and/or Fire Marshal.

11) **INSPECTION OF FACILITIES:**

The Stockton Ports has inspected all of the facilities contained within the Tony Zupo Baseball Field, finds them to be reasonably safe, suitable and sufficient for the Stockton Ports purposes and accepts the condition of same as is.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first herein above mentioned.

CITY OF LODI, a municipal  
corporation

STOCKTON PORTS BASEBALL TEAM

\_\_\_\_\_  
H. DIXON FLYNN  
City Manager

\_\_\_\_\_  
President


ATTEST:

BOOSTERS OF BOYS AND GIRLS  
SPORTS ("BOBS")

\_\_\_\_\_  
SUSAN BLACKSTON  
City Clerk

\_\_\_\_\_  
TONY ALEGRE  
President

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RANDALL A. HAYS  
City Attorney

RESOLUTION NO. 2002-79

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE AGREEMENT BETWEEN THE  
CITY OF LODI AND THE STOCKTON PORTS  
PROFESSIONAL BASEBALL CLUB FOR USE  
OF ZUPO FIELD

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NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby approve the agreement between the City of Lodi and the Stockton Ports Professional Baseball Club for the use of Zupo Field on May 14, 2002.

Dated: April 17, 2002

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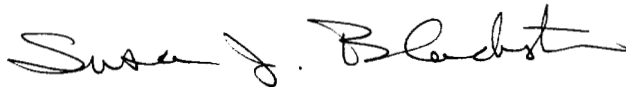
I hereby certify that Resolution No. 2002-79 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 17, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land,  
Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk